

73-18-1. Statement of policy.

It is the policy of this state to regulate and promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws and to adopt and pursue an educational program in relation thereto.

Amended by Chapter 188, 1971 General Session

73-18-2. Definitions.

As used in this chapter:

(1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

(2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a waterbody.

(3) "Board" means the Board of Parks and Recreation.

(4) "Boat livery" means a person that holds a vessel for renting or leasing.

(5) "Carrying passengers for hire" means to transport persons on vessels or to lead persons on vessels for consideration.

(6) "Consideration" means something of value given or done in exchange for something given or done by another.

(7) "Dealer" means any person who is licensed by the appropriate authority to engage in and who is engaged in the business of buying and selling vessels or of manufacturing them for sale.

(8) "Derelict vessel":

(a) means a vessel that is left, stored, or abandoned upon the waters of this state in a wrecked, junked, or substantially dismantled condition; and

(b) includes:

(i) a vessel left at a Utah port or marina without consent of the agency or other entity administering the port or marine area; and

(ii) a vessel left docked or grounded upon a property without the property owner's consent.

(9) "Division" means the Division of Parks and Recreation.

(10) "Moored" means long term, on the water vessel storage in an area designated and properly marked by the division or other applicable managing agency.

(11) "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

(12) "Operate" means to navigate, control, or otherwise use a vessel.

(13) "Operator" means the person who is in control of a vessel while it is in use.

(14) "Outfitting company" means any person who, for consideration:

(a) provides equipment to transport persons on all waters of this state; and

(b) supervises a person who:

(i) operates a vessel to transport passengers; or

(ii) leads a person on a vessel.

(15) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest in or the title to a vessel.

(b) "Owner" includes a person entitled to the use or possession of a vessel subject to an interest by another person, reserved or created by agreement and securing payment or performance of an obligation.

(c) "Owner" does not include a lessee under a lease not intended as security.

(16) "Personal watercraft" means a motorboat that is:

(a) less than 16 feet in length;

(b) propelled by a water jet pump; and

(c) designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing inside the vessel.

(17) "Sailboat" means any vessel having one or more sails and propelled by wind.

(18) "Vessel" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(19) "Wakeless speed" means an operating speed at which the vessel does not create or make a wake or white water trailing the vessel. This speed is not in excess of five miles per hour.

(20) "Waters of this state" means any waters within the territorial limits of this state.

Amended by Chapter 386, 2011 General Session

73-18-3. Enforcement of State Boating Act to be supervised by division.

The administration and enforcement of the State Boating Act shall be under the supervision and direction of the division.

Amended by Chapter 197, 1986 General Session

73-18-3.5. Advisory council.

The board may appoint an advisory council representing various boating interests to seek recommendations on state boating policies.

Enacted by Chapter 99, 1987 General Session

73-18-4. Board may promulgate rules and set fees.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall promulgate rules:

(a) creating a uniform waterway marking system which shall be obeyed by all vessel operators;

(b) regulating the placement of waterway markers and other permanent or anchored objects on the waters of this state;

(c) zoning certain waters of this state for the purpose of prohibiting the operation of vessels or motors for safety and health purposes only;

(d) regulating vessel operators who carry passengers for hire, boat liveries, and outfitting companies; and

(e) regulating anchored, beached, moored, or abandoned vessels to minimize health, safety, and environmental concerns.

(2) (a) The board may set fees in accordance with Section 63J-1-504 for:

(i) licensing vessel operators who carry passengers for hire; and

(ii) registering:

(A) outfitting companies; and

(B) boat liveries.

(b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be deposited into the Boating Account created in Section 73-18-22.

Amended by Chapter 386, 2011 General Session

73-18-6. Numbering of motorboats and sailboats required -- Exception.

(1) Every motorboat and sailboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat or sailboat on the waters of this state unless the motorboat or sailboat is numbered in accordance with:

(a) this chapter;

(b) applicable federal law; or

(c) a federally-approved numbering system of another state, if the owner is a resident of that state and his motorboat or sailboat has not been in this state in excess of 60 days for the calendar year.

(2) The number assigned to a motorboat or sailboat in accordance with this chapter, applicable federal law, or a federally-approved numbering system of another state shall be displayed on each side of the bow of the motorboat or sailboat, except this requirement does not apply to any vessel which has a valid marine document issued by the United States Coast Guard.

Amended by Chapter 99, 1987 General Session

73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records -- Period of registration and renewal -- Expiration -- Notice of transfer of interest or change of address -- Duplicate registration card -- Invalid registration -- Powers of board.

(1) (a) Except as provided by Section 73-18-9, the owner of each motorboat and sailboat on the waters of this state shall register it with the division as provided in this chapter.

(b) A person may not place, give permission for the placement of, operate, or give permission for the operation of a motorboat or sailboat on the waters of this state, unless the motorboat or sailboat is registered as provided in this chapter.

(2) (a) The owner of a motorboat or sailboat required to be registered shall file an application for registration with the division on forms approved by the division.

(b) The owner of the motorboat or sailboat shall sign the application and pay the fee set by the board in accordance with Section 63J-1-504.

(c) Before receiving a registration card and registration decals, the applicant shall provide the division with a certificate from the county assessor of the county in which the motorboat or sailboat has situs for taxation, stating that:

(i) the property tax on the motorboat or sailboat for the current year has been

paid;

(ii) in the county assessor's opinion, the property tax is a lien on real property sufficient to secure the payment of the property tax; or

(iii) the motorboat or sailboat is exempt by law from payment of property tax for the current year.

(d) If the board modifies the fee under Subsection (2)(b), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the board provides the State Tax Commission:

(i) notice from the board stating that the board will modify the fee; and

(ii) a copy of the fee modification.

(3) (a) Upon receipt of the application in the approved form, the division shall record the receipt and issue to the applicant registration decals and a registration card that state the number assigned to the motorboat or sailboat and the name and address of the owner.

(b) The registration card shall be available for inspection on the motorboat or sailboat for which it was issued, whenever that motorboat or sailboat is in operation.

(4) The assigned number shall:

(a) be painted or permanently attached to each side of the forward half of the motorboat or sailboat;

(b) consist of plain vertical block characters not less than three inches in height;

(c) contrast with the color of the background and be distinctly visible and legible;

(d) have spaces or hyphens equal to the width of a letter between the letter and numeral groupings; and

(e) read from left to right.

(5) A motorboat or sailboat with a valid marine document issued by the United States Coast Guard is exempt from the number display requirements of Subsection (4).

(6) The nonresident owner of any motorboat or sailboat already covered by a valid number that has been assigned to it according to federal law or a federally approved numbering system of the owner's resident state is exempt from registration while operating the motorboat or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity period provided for in Subsection 73-18-9(1).

(7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a new application form and fee with the division, and the division shall issue a new registration card and registration decals in the same manner as provided for in Subsections (2) and (3).

(b) The division shall reassign the current number assigned to the motorboat or sailboat to the new owner to display on the motorboat or sailboat.

(8) If the United States Coast Guard has in force an overall system of identification numbering for motorboats or sailboats within the United States, the numbering system employed under this chapter by the board shall conform with that system.

(9) (a) The division may authorize any person to act as its agent for the registration of motorboats and sailboats.

(b) A number assigned, a registration card, and registration decals issued by an agent of the division in conformity with this chapter and rules of the board are valid.

(10) (a) The Motor Vehicle Division shall classify all records of the division made

or kept according to this section in the same manner that motor vehicle records are classified under Section 41-1a-116.

(b) Division records are available for inspection in the same manner as motor vehicle records pursuant to Section 41-1a-116.

(11) (a) (i) Each registration, registration card, and decal issued under this chapter shall continue in effect for 12 months, beginning with the first day of the calendar month of registration.

(ii) A registration may be renewed by the owner in the same manner provided for in the initial application.

(iii) The division shall reassign the current number assigned to the motorboat or sailboat when the registration is renewed.

(b) Each registration, registration card, and registration decal expires the last day of the month in the year following the calendar month of registration.

(c) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the motorboat or sailboat is extended to 12 midnight of the next business day.

(d) The division may receive applications for registration renewal and issue new registration cards at any time before the expiration of the registration, subject to the availability of renewal materials.

(e) The new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.

(f) The year of registration shall be changed to reflect the renewed registration period.

(g) If the registration renewal application is an application generated by the division through its automated system, the owner is not required to surrender the last registration card or duplicate.

(12) (a) An owner shall notify the division of:

(i) the transfer of all or any part of the owner's interest, other than creation of a security interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

(ii) the destruction or abandonment of the owner's motorboat or sailboat.

(b) Notification must take place within 15 days of the transfer, destruction, or abandonment.

(c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates its registration.

(ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

(13) (a) A registered owner shall notify the division within 15 days if the owner's address changes from the address appearing on the registration card and shall, as a part of this notification, furnish the division with the owner's new address.

(b) The board may provide in its rules for:

(i) the surrender of the registration card bearing the former address; and

(ii) (A) the replacement of the card with a new registration card bearing the new address; or

(B) the alteration of an existing registration card to show the owner's new

address.

(14) (a) If a registration card is lost or stolen, the division may collect a fee of \$4 for the issuance of a duplicate card.

(b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the issuance of a duplicate decal.

(15) A number other than the number assigned to a motorboat or sailboat or a number for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached, or otherwise displayed on either side of the bow of a motorboat or sailboat.

(16) A motorboat or sailboat registration and number are invalid if obtained by knowingly falsifying an application for registration.

(17) The board may designate the suffix to assigned numbers, and by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for:

- (a) the display of registration decals;
- (b) the issuance and display of dealer numbers and registrations; and
- (c) the issuance and display of temporary registrations.

Amended by Chapter 183, 2009 General Session

73-18-7.1. Fraudulent application for registration or certificate of title.

A person is guilty of a third degree felony if he:

- (1) fraudulently uses a false or fictitious name in any application for a registration or certificate of title for a motorboat, sailboat, or outboard motor; or
- (2) in making an application specified in Subsection (1), he:
 - (a) knowingly makes a false statement;
 - (b) knowingly conceals a material fact; or
 - (c) otherwise commits a fraud.

Enacted by Chapter 216, 1990 General Session

73-18-7.2. Falsified registration or certificate of title.

It is a third degree felony for any person to:

- (1) alter with fraudulent intent any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title issued by the division or its authorized agent;
- (2) forge or counterfeit any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title purporting to have been issued by the division or its authorized agent;
- (3) alter, falsify, or forge any assignment upon a motorboat, sailboat, or outboard motor certificate of title; or
- (4) hold or use any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title knowing it has been altered, forged, or falsified.

Enacted by Chapter 216, 1990 General Session

73-18-7.3. Suspension or revocation of a registration or certificate of title.

The division or its authorized agent may suspend or revoke the registration or certificate of title of a motorboat, sailboat, or outboard motor if:

- (1) the division or its authorized agent determines that the registration or certificate of title was fraudulently or erroneously issued;
- (2) the division or its authorized agent determines that a registered motorboat or sailboat is mechanically unfit or unseaworthy for operation on the waters of this state;
- (3) a registered motorboat or sailboat has been dismantled or wrecked so that it loses its character as a vessel;
- (4) the division or its authorized agent determines that the required registration or titling fee has not been paid or is not paid upon reasonable notice and demand;
- (5) a registration decal or number is knowingly displayed upon a motorboat or sailboat other than the one for which the decal or number was issued;
- (6) the division or its authorized agent determines that the owner has committed any offense under this chapter or Title 41, Chapter 1a, Part 5, involving the registration or certificate of title of a motorboat, sailboat, or outboard motor; or
- (7) the division or authorized agent is so authorized under any other provision of law.

Amended by Chapter 1, 1992 General Session

73-18-7.4. Canceled, suspended, or revoked registration or certificate of title to be returned.

If the division or its authorized agent cancels, suspends, or revokes the registration or certificate of title of a motorboat, sailboat, or outboard motor, the owner shall immediately return the canceled, suspended, or revoked registration card, registration decal, or certificate of title to the division or authorized agent.

Enacted by Chapter 216, 1990 General Session

73-18-8. Safety equipment required to be on board vessels.

(1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person on board, one personal flotation device that is approved for the type of use by the commandant of the United States Coast Guard.

(b) Each personal flotation device shall be:

- (i) in serviceable condition;
- (ii) legally marked with the United States Coast Guard approval number; and
- (iii) of an appropriate size for the person for whom it is intended.

(c) (i) Sailboards are exempt from the provisions of Subsection (1)(a).

(ii) The board may exempt certain types of vessels from the provisions of Subsection (1)(a) under certain conditions or upon certain waters.

(d) The board may require by rule for personal flotation devices to be worn:

- (i) while a person is on board a certain type of vessel;
- (ii) by a person under a certain age; or
- (iii) on certain waters of the state.

(e) For vessels 16 feet or more in length, there shall also be on board, one Type

IV throwable personal flotation device which is approved for this use by the commandant of the United States Coast Guard.

(2) The operator of a vessel operated between sunset and sunrise shall display lighted navigation lights approved by the division.

(3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in any enclosure for any purpose, the vessel shall be equipped with an efficient natural or mechanical ventilation system that is capable of removing resulting gases before and during the time the vessel is occupied by any person.

(4) Each vessel shall have fire extinguishing equipment on board.

(5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame control device.

(6) The board may:

(a) require additional safety equipment by rule; and

(b) adopt rules conforming with the requirements of this section which govern specifications for and the use of safety equipment.

(7) A person may not operate or give permission for the operation of a vessel that is not equipped as required by this section or rules promulgated under this section.

Amended by Chapter 256, 2010 General Session

73-18-8.1. Capacity and certification label.

(1) Each vessel manufactured after November 1, 1972, which is less than 20 feet in length, except a sailboat, canoe, kayak, inflatable vessel, or homemade motor boat must have a United States Coast Guard capacity and certification label permanently affixed to the vessel and clearly visible to the operator when boarding or operating the vessel. The capacity and certification information may be combined together and displayed on one label.

(2) No person shall operate, or give permission for the operation of, any vessel on the waters of this state if it is loaded or powered in excess of the maximum capacity information on the United States Coast Guard capacity label.

(3) No person shall alter, deface, or remove any United States Coast Guard capacity or certification information label affixed to a vessel.

(4) No person shall operate, or give permission for the operation of, a vessel on the waters of this state if the required United States Coast Guard capacity or certification information label has been altered, defaced, or removed.

Enacted by Chapter 216, 1990 General Session

73-18-9. Exemptions from registration.

Registration under this chapter is not required for any of the following:

(1) a motorboat or sailboat that:

(a) is already covered by a valid registration issued by its nonresident owner's resident state; and

(b) has not been within this state in excess of 60 days for the calendar year;

(2) a motorboat or sailboat from a country other than the United States temporarily using the waters of this state;

- (3) a motorboat or sailboat whose owner is the United States, a state or subdivision thereof;
- (4) a ship's lifeboat; or
- (5) a motorboat or sailboat belonging to a class of vessels which is exempted from registration by the board after the board finds:
 - (a) that the registration of motorboats or sailboats of this class will not materially aid in their identification; and
 - (b) that the United States Coast Guard has a numbering system applicable to the class of motorboats or sailboats to which the motorboat or sailboat in question belongs, and the motorboat or sailboat would also be exempt from numbering if it were subject to federal law.

Amended by Chapter 94, 2008 General Session

73-18-10. Owner of boat livery -- Duties.

(1) The owner of a boat livery shall keep a record of the following: the name and address of the person hiring any vessel; the identification number of the vessel; the vessel's departure date and time; and the vessel's expected time of return. The record shall be preserved for at least one year.

(2) Neither the owner of a boat livery nor his agent or employee may permit any vessel to depart from the premises of the boat livery unless the owner has equipped it as required under this chapter and unless he has advised the lessee or renter of the vessel of all rules promulgated under this chapter which the lessee or renter must obey.

Amended by Chapter 197, 1986 General Session

73-18-11. Regulation of muffling devices.

The board shall adopt rules for the regulating of muffling devices on all vessels.

Amended by Chapter 197, 1986 General Session

73-18-12. Operation in willful or wanton disregard for safety -- Penalty.

(1) A person may not operate any nonmotorized vessel, or manipulate any water skis or any device towed by a motorboat in a willful or wanton disregard for the safety of persons or property.

(2) A violation of Subsection (1) is a class B misdemeanor.

Amended by Chapter 200, 2002 General Session

73-18-13. Duties of operator involved in accident -- Notification and reporting procedures -- Use of accident reports -- Giving false information as misdemeanor.

(1) As used in this section, "agent" has the same meaning as provided in Section 41-6a-404.

(2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator can do so without seriously endangering the operator's own vessel, crew, or

passengers, to render aid to those affected by the accident as may be practicable.

(b) The operator shall also give the operator's name, address, and identification of the operator's vessel in writing to:

- (i) any person injured; or
- (ii) the owner of any property damaged in the accident.

(3) (a) The board shall adopt rules governing the notification and reporting procedure for vessels involved in accidents.

(b) The rules shall be consistent with federal requirements.

(4) (a) Except as provided in Subsection (4)(b), all accident reports:

- (i) are protected and shall be for the confidential use of the division or other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and
- (ii) may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.

(b) The division shall disclose a written accident report and its accompanying data to:

- (i) a person involved in the accident, excluding a witness to the accident;
- (ii) a person suffering loss or injury in the accident;
- (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i) and (ii);
- (iv) a member of the press or broadcast news media;
- (v) a state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes;
- (vi) law enforcement personnel when acting in their official governmental capacity; and
- (vii) a licensed private investigator.

(c) Information provided to a member of the press or broadcast news media under Subsection (4)(b)(iv) may only include:

- (i) the name, age, sex, and city of residence of each person involved in the accident;
- (ii) the make and model year of each vehicle involved in the accident;
- (iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;
- (iv) the location of the accident; and
- (v) a description of the accident that excludes personal identifying information not listed in Subsection (4)(c)(i).

(5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as evidence in any civil or criminal trial, arising out of an accident.

(b) Upon demand of any person who has, or claims to have, made the report, or upon demand of any court, the division shall furnish a certificate showing that a specified accident report has or has not been made to the division solely to prove a compliance or a failure to comply with the requirement that a report be made to the division.

(c) Accident reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (6).

(6) Any person who gives false information, knowingly or having reason to

believe it is false, in an oral or written report as required in this chapter, is guilty of a class A misdemeanor.

Amended by Chapter 153, 2012 General Session

73-18-13.1. Accident involving property damage -- Duties of operator, occupant, and owner -- Penalties.

(1) As used in this section, "reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.

(2) (a) The operator of a vessel who has reason to believe that the operator may have been involved in an accident resulting only in damage to another vessel or other property shall remain at the scene of the accident until the operator has fulfilled the requirements of Section 73-18-13.

(b) If the operator has reason to believe that the operator may have been involved in an accident resulting in damage to another vessel or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 73-18-13.

(3) A person who violates the provisions of this section is guilty of a class B misdemeanor.

Enacted by Chapter 153, 2012 General Session

73-18-13.2. Accident involving injury -- Stop at accident -- Penalty.

(1) As used in this section:

(a) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.

(b) "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(2) (a) The operator of a vessel who has reason to believe that the operator may have been involved in an accident resulting in injury to a person shall:

(i) immediately stop the vessel at the scene of the accident or as close to it as safely possible; and

(ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 73-18-13.

(b) If the operator of a vessel has reason to believe the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 73-18-13.

(3) (a) Except as provided in Subsection (3)(b), a person who violates the provisions of Subsection (2):

(i) is guilty of a class A misdemeanor if the accident resulted in injury to any person; and

(ii) shall be fined not less than \$750.

(b) A person who violates the provisions of Subsection (2):

- (i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a person; and
- (ii) shall be fined not less than \$750.

Enacted by Chapter 153, 2012 General Session

73-18-13.3. Accident involving death -- Stop at accident -- Penalty.

(1) As used in this section, "reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.

(2) (a) The operator of a vessel who has reason to believe that the operator may have been involved in an accident resulting in the death of a person shall:

(i) immediately stop the vessel at the scene of the accident or as close to it as safely possible; and

(ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 73-18-13.

(b) If the operator of a vessel has reason to believe the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 73-18-13.

(3) A person who violates the provisions of Subsection (2) is guilty of a third degree felony and shall be fined not less than \$750.

Enacted by Chapter 153, 2012 General Session

73-18-13.5. Motorboat accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of registration materials.

(1) Upon request of a peace officer investigating an accident involving a motorboat as defined in Section 73-18c-102, the operator of the motorboat shall provide evidence of the owner's or operator's security required under Section 73-18c-301.

(2) The peace officer shall record on a form approved by the division:

(a) the information provided by the operator;

(b) whether the operator provided insufficient or no information; and

(c) whether the peace officer finds reasonable cause to believe that any information given is not correct.

(3) The peace officer shall deposit all completed forms with the peace officer's agency, which shall forward the forms to the division no later than 10 days after receipt.

(4) (a) The division shall revoke the registration of a motorboat as defined in Section 73-18c-102 involved in an accident unless the owner or operator can demonstrate to the division compliance with the owner's or operator's security requirement of Section 73-18c-301 at the time of the accident.

(b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

(5) A person may appeal a revocation issued under Subsection (4) in accordance with procedures established by the board by rule that are consistent with Title 63G, Chapter 4, Administrative Procedures Act.

(6) (a) Any person whose registration is revoked under Subsection (4) shall return the registration card and decals for the motorboat to the division.

(b) If the person fails to return the registration materials as required, they shall be confiscated under Section 73-18-13.6.

(7) The board may make rules for the enforcement of this section.

(8) In this section, "evidence of owner's or operator's security" includes any one of the following:

(a) the operator's:

(i) insurance policy;

(ii) binder notice;

(iii) renewal notice; or

(iv) card issued by an insurance company as evidence of insurance;

(b) a copy of a surety bond, certified by the surety, which conforms to Section 73-18c-102;

(c) a certificate of the state treasurer issued under Section 73-18c-305; or

(d) a certificate of self-funded coverage issued under Section 73-18c-306.

Amended by Chapter 386, 2011 General Session

**73-18-13.6. Grounds for confiscation of registration materials by state --
Registration renewal.**

(1) (a) The division, any peace officer acting in an official capacity, or a person authorized under Subsection (2) may take possession of any registration card or decal issued by the state:

(i) upon revocation of it;

(ii) that is fictitious;

(iii) that has been unlawfully or erroneously issued; or

(iv) that is unlawfully or erroneously displayed.

(b) A receipt shall be issued that describes each confiscated item.

(2) The division may enter into contractual agreements with constables or other law enforcement agencies to facilitate confiscation of items listed in Subsection (1) if a person fails or refuses to surrender any of those documents to the division upon demand.

(3) The division shall renew a registration that has been revoked under this section in accordance with the provisions of Section 73-18-7.

Amended by Chapter 386, 2011 General Session

73-18-14. Transmittal of information to official or agency of United States.

In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the division under Section 73-18-13 shall be transmitted to the official or agency of the United States.

Amended by Chapter 335, 2000 General Session

73-18-15. Board to adopt rules concerning water skiing and aquaplane

riding and use of other devices towed behind a vessel.

The board shall adopt rules for the regulation and safety of water skiing and aquaplane riding, and the use of other devices that are towed behind a vessel pursuant to this section and in accordance with Section 73-18-16.

Amended by Chapter 411, 2012 General Session

73-18-15.1. Vessel navigation and steering laws.

(1) The operator of a vessel shall maintain a proper lookout by sight and hearing at all times to avoid the risk of collision.

(2) When the operators of two motorboats approach each other where there is risk of collision, each operator shall alter course to the right and pass on the left side of the other.

(3) When the operators of two motorboats are crossing paths and are at risk of a collision, the operator of the vessel that has the other vessel on its right side shall keep out of the way and yield right-of-way if necessary.

(4) The operator of any vessel overtaking any other vessel shall keep out of the way of the vessel being overtaken.

(5) The operator of a vessel underway shall keep out of the way of a:

- (a) vessel not under command;
- (b) vessel restricted in its ability to maneuver;
- (c) vessel engaged in fishing; and
- (d) sailing vessel.

(6) If the operator of one of two vessels is to keep out of the way, the other vessel operator shall maintain his course and speed unless it becomes apparent the other vessel is not taking the appropriate action.

(7) In narrow channels an operator of a vessel underway shall keep to the right of the middle of the channel.

(8) The operator of a vessel shall proceed at a safe speed at all times so that the operator can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances or conditions.

(9) (a) When the operators of two sailboats are approaching one another so as to involve risk of collision, one of the operators shall keep out of the way of the other as follows:

(i) when each has the wind on a different side, the operator of the vessel that has the wind on the left side shall keep out of the way of the other;

(ii) when both have the wind on the same side, the operator of the vessel that is to the windward shall keep out of the way of the vessel that is to leeward; and

(iii) if the operator of a vessel with the wind on the left side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the left or on the right side, the operator shall keep out of way of the other vessel.

(b) For purposes of this Subsection (9), the windward side shall be the side opposite that on which the mainsail is carried.

(10) The operator of any vessel may not exceed a wakeless speed when within 150 feet of:

- (a) another vessel;

- (b) a person in or floating on the water;
 - (c) a water skier being towed by another boat;
 - (d) a water skier that had been towed behind the operator's vessel unless the skier is still surfing or riding in an upright stance on the wake created by the vessel;
 - (e) a water skier that had been towed behind another vessel and the skier is still surfing or riding in an upright stance on the wake created by the other vessel;
 - (f) a shore fisherman;
 - (g) a launching ramp;
 - (h) a dock; or
 - (i) a designated swimming area.
- (11) The operator of a motorboat is responsible for any damage or injury caused by the wake produced by the operator's motorboat.
- (12) (a) Except as provided in Subsection (12)(b), the operator of a motorboat that is less than 65 feet in length may not exceed a wakeless speed while any person is riding upon the bow decking, gunwales, transom, seatbacks, or motor cover.
- (b) Subsection (12)(a) does not apply if the motorboat is:
- (i) between 16 feet and 65 feet in length; and
 - (ii) the motorboat is equipped with adequate rails or other safeguards to prevent a person from falling overboard.
- (13) If a person is riding upon the bow decking of a motorboat that does not have designed seating for passengers, the person shall straddle one of the upright supports of the bow rail and may not block the vision of the operator.
- (14) The operator of a vessel may not tow a water skier or a person on another device:
- (a) unless an onboard observer, who is at least eight years of age, is designated by the operator to watch the person being towed; or
 - (b) between sunset and sunrise.
- (15) A person who violates this section is guilty of a class C misdemeanor.

Amended by Chapter 256, 2010 General Session

73-18-15.2. Minimum age of operators -- Boating safety course for youth to operate personal watercraft.

- (1) (a) A person under 16 years of age may not operate a motorboat on the waters of this state unless the person is under the on-board and direct supervision of a person who is at least 18 years of age.
- (b) A person under 16 years of age may operate a sailboat, if the person is under the direct supervision of a person who is at least 18 years of age.
- (2) A person who is at least 12 years of age or older but under 16 years of age may operate a personal watercraft provided he:
- (a) is under the direct supervision of a person who is at least 18 years of age;
 - (b) completes a boating safety course approved by the division; and
 - (c) has in his possession a boating safety certificate issued by the boating safety course provider.
- (3) A person who is at least 16 years of age but under 18 years of age may operate a personal watercraft, if the person:

(a) completes a boating safety course approved by the division; and
(b) has in his possession a boating safety certificate issued by the boating safety course provider.

(4) A person required to attend a boating safety course under Subsection (3)(a) need not be accompanied by a parent or legal guardian while completing a boating safety course.

(5) A person may not give permission to another person to operate a vessel in violation of this section.

(6) As used in this section, "direct supervision" means oversight at a distance within which visual contact is maintained.

(7) (a) The division may collect fees set by the board in accordance with Section 63J-1-504 from each person who takes the division's boating safety course to help defray the cost of the boating safety course.

(b) Money collected from the fees collected under Subsection (7)(a) shall be deposited in the Boating Account.

Amended by Chapter 183, 2009 General Session

73-18-15.3. Personal watercraft -- Prohibition on operation between sunset and sunrise.

A person may not operate a personal watercraft on the waters of this state between sunset and sunrise.

Enacted by Chapter 205, 1998 General Session

73-18-15.5. Authorizing or permitting driving a vessel in violation of law.

(1) A person may not authorize or knowingly permit a vessel owned by him or that is under his control to be driven by a person in violation of this chapter or Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

(2) A person who violates Subsection (1) is guilty of a class C misdemeanor.

Amended by Chapter 2, 2005 General Session

73-18-16. Regattas, races, exhibitions -- Rules.

(1) The division may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments, or exhibitions on any waters of this state.

(2) The board may adopt rules concerning the safety of vessels and persons, either as observers or participants, that do not conflict with the provisions of Subsections (3) and (4).

(3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved personal floatation device if the person is on an American Water Ski Association regulation tournament slalom course and is:

- (a) engaged in barefoot water skiing;
- (b) water skiing in an American Water Ski Association regulation competition;
- (c) a performer participating in a professional exhibition or other tournament; or
- (d) practicing for an event described in Subsection (3)(b) or (c).

(4) If a person is water skiing in an American Water Ski Association regulation tournament slalom course, an observer and flag are not required if the vessel is:

(a) equipped with a wide angle mirror with a viewing surface of at least 48 square inches; and

(b) operated by a person who is at least 18 years of age.

Amended by Chapter 411, 2012 General Session

73-18-17. Scope of application of chapter -- Identical local ordinances authorized -- Application for special local rules.

(1) This chapter, and other applicable laws of this state govern the operation, equipment, and numbering of vessels whenever any vessel is operated on the waters of this state, or when any activity regulated by this chapter takes place on the waters of this state. Nothing in this chapter prevents the adoption of any ordinance or local law relating to operation and equipment of vessels, the provisions of which are identical to the provisions of this chapter, amendments to this chapter, and rules promulgated under this chapter. Ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this chapter, amendments to this chapter, and rules promulgated under this chapter.

(2) Any political subdivision of this state may, at any time, but only after public notice, formally apply to the board for special rules concerning the operation of vessels on any waters within its territorial limits. The political subdivision shall set forth in the application the reasons which make special rules necessary or appropriate.

Amended by Chapter 99, 1987 General Session

73-18-18. Liability of owner for injury or damage occasioned by negligent operation of vessel by minor.

The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, by a minor under the age of 18 years operating such vessel with the express or implied consent of the owner, whether under the laws of this state or by neglecting to observe such ordinary care and such operation as the rules of common law require.

Amended by Chapter 170, 1961 General Session

73-18-19. Publication of rules and regulations.

The rules promulgated under this chapter shall be published as required by Title 63G, Chapter 3, the Utah Administrative Rulemaking Act.

Amended by Chapter 382, 2008 General Session

73-18-20. Enforcement of chapter -- Authority to stop and board vessels -- Disregarding law enforcement signal to stop as misdemeanor -- Procedure for arrest.

(1) Any law enforcement officer authorized under Title 53, Chapter 13, Peace

Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter.

(2) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, has the authority to stop and board any vessel subject to this chapter, whether the vessel is on water or land. If that officer determines the vessel is overloaded, unseaworthy, or the safety equipment required by this chapter or rules of the board is not on the vessel, that officer may prohibit the launching of the vessel or stop the vessel from operating.

(3) An operator who, having received a visual or audible signal from a law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to bring his vessel to a stop, operates his vessel in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vessel or endanger any person, or who attempts to flee or elude the officer whether by vessel or otherwise is guilty of a class A misdemeanor.

(4) Whenever any person is arrested for any violation of the provisions of this chapter or of the rules promulgated under this chapter, the procedure for arrest is the same as outlined in Sections 77-7-22 through 77-7-24.

Amended by Chapter 2, 2005 General Session

73-18-20.1. Seizure of a vessel.

(1) A peace officer, without a warrant, may seize and take possession of a vessel:

- (a) that is placed or being operated on the waters of this state with improper registration;
- (b) that the peace officer has reason to believe has been stolen;
- (c) on which any hull identification number or serial number for an engine or outboard motor has been defaced, altered, or obliterated;
- (d) that has been abandoned on public land, highways, or waters of this state; or
- (e) if the registration or title fees for the vessel or outboard motor have not been paid.

(2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.

(3) Any peace officer seizing or taking possession of a vessel under this section shall comply with the provisions of Section 41-6a-1406.

Amended by Chapter 2, 2005 General Session

73-18-20.2. Defaced, altered, or obliterated identification or serial number -- Release of vessel.

If the hull identification number or serial number for the engine or outboard motor of a vessel seized under Section 73-18-20.1 has been defaced, altered, or obliterated, the vessel may not be released until:

- (1) the original manufacturer's hull identification number or engine or outboard motor serial number has been replaced; or
- (2) a new number assigned by the division or its authorized agent has been

provided and has been affixed to the vessel, engine, or outboard motor.

Amended by Chapter 202, 2001 General Session

73-18-20.3. Falsified hull identification, engine, or motor number.

(1) A person is guilty of a third degree felony if he:

(a) with fraudulent intent defaces, destroys, or alters a vessel hull identification number or serial number for an engine or outboard motor;

(b) places or stamps any vessel hull identification number upon a vessel or serial number upon an engine or outboard motor, except one assigned by the division or its authorized agent;

(c) knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any vessel, or engine or outboard motor removed from a vessel, from which the vessel hull identification number or engine or outboard motor serial number, has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the vessel, engine, or outboard motor;

(d) with intent to procure or pass title to a vessel or outboard motor, receives or transfers possession of a vessel or outboard motor which he knows or has reason to believe has been stolen or unlawfully taken; or

(e) has in his possession a vessel or outboard motor which he knows or has reason to believe has been stolen or unlawfully taken, unless the person is a peace officer engaged at the time in the performance of his duty.

(2) (a) This section does not prohibit the restoration by an owner of an original vessel hull identification number or manufacturer's serial number for an engine or outboard motor if the restoration is made by application to the division or its authorized agent.

(b) This section does not prohibit any manufacturer from placing, in the ordinary course of business, numbers or marks upon vessels, motors, outboard motors, or parts.

Enacted by Chapter 216, 1990 General Session

73-18-20.4. Duty to report falsified vessel or motor number.

Any person owning or operating a marina, marine dealership, service station, public garage, paint shop, or a vessel repair shop shall immediately notify the local police authorities of any vessel or outboard motor that has any numbers that have apparently been altered, obliterated, or removed.

Enacted by Chapter 216, 1990 General Session

73-18-20.5. Reporting of theft and recovery of vessels.

(1) (a) Any peace officer upon receiving reliable information that any vessel or outboard motor has been stolen shall immediately report the theft to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.

(b) Any peace officer upon receiving information that any vessel or outboard motor which was previously reported as stolen has been recovered shall immediately

report the recovery to his law enforcement agency and to the Criminal Investigations and Technical Services Division.

(2) The reporting and recovery procedures for vessels and outboard motors shall be the same as those specified in Section 41-1a-1401 for motor vehicles.

Amended by Chapter 263, 1998 General Session

73-18-20.6. Report by owners or lienholders of thefts and recoveries.

(1) The owner, or person having a lien or encumbrance upon a registered vessel or outboard motor which has been stolen or embezzled, may notify the law enforcement agency having jurisdiction where the theft or embezzlement occurred. If a vessel or outboard motor was embezzled, a report may be made only after having procured the issuance of a warrant for the arrest of the person charged with embezzlement.

(2) Any person who has given any notice under Subsection (1) shall notify the law enforcement agency where the theft or embezzlement was reported of a recovery of the vessel or outboard motor.

Enacted by Chapter 216, 1990 General Session

73-18-20.7. Unlawful control over vessels -- Penalties -- Effect of prior consent -- Accessory or accomplice.

(1) Any person who exercises unauthorized control over a vessel, not his own, without the consent of the owner or lawful custodian and with intent to temporarily deprive the owner or lawful custodian of possession of the vessel, is guilty of a class A misdemeanor.

(2) An offense under this section is a third degree felony if the actor does not return the vessel to the owner or lawful custodian within 24 hours after the exercise of unauthorized control.

(3) The consent of the owner or legal custodian of a vessel to its control by the actor is not in any case presumed or implied because of the owner's or legal custodian's consent on a previous occasion to the control of the vessel by the same or a different person.

(4) Any person who assists in, or is a party or accessory to or an accomplice in, an unauthorized taking or operating of a vessel is guilty of a class A misdemeanor.

Enacted by Chapter 216, 1990 General Session

73-18-21. Violation of chapter as class B misdemeanor.

Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.

Amended by Chapter 99, 1987 General Session

73-18-22. Boating Account created -- Contents -- Use of money.

(1) There is created within the General Fund a restricted account known as the Boating Account.

(2) Except as provided under Sections 73-18-24 and 73-18-25, all registration fees and related money collected by the division or any authorized agent, less the costs of collecting motorboat and sailboat registration fees by an authorized agent, shall be deposited into the Boating Account.

(3) The amount retained by an authorized agent may not exceed 20% of the fees charged in Section 73-18-7.

(4) Money in the Boating Account may be used for:

- (a) the construction, improvement, operation, and maintenance of publicly owned boating facilities;
- (b) boater education; and
- (c) the payment of the costs and expenses of the division in administering and enforcing this chapter.

Amended by Chapter 212, 2003 General Session

73-18-23. Separability clause.

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the rest of this act shall not be affected thereby.

Enacted by Chapter 170, 1961 General Session

73-18-24. Search and rescue fee -- Amount -- Deposition.

(1) In addition to the fee imposed under Section 73-18-7, there is imposed a search and rescue fee of 50 cents on each motorboat or sailboat required to pay the fee imposed under Subsection 73-18-7(2) to be registered or renewed under Section 73-18-7.

(2) The fees imposed under this section shall be collected in the same manner and by the same agency designated to collect the fees imposed under this chapter.

(3) The fees collected under this section shall be deposited in the General Fund as dedicated credits for the Search and Rescue Financial Assistance Program created under Section 53-2a-1101.

Amended by Chapter 295, 2013 General Session

73-18-25. Fees to cover the costs of electronic payments.

(1) As used in this section:

(a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

(b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

(2) (a) The Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals of registration under Section 73-18-7.

(b) The fee described under Subsection (2)(a) shall be imposed regardless of the method of payment for a particular transaction.

(3) The Motor Vehicle Division shall establish the fee according to the procedures and requirements of Section 63J-1-504.

- (4) A fee imposed under this section:
 - (a) shall be deposited in the Electronic Payment Fee Restricted Account created by Section 41-1a-121;
 - (b) is not subject to Subsection 63J-2-202(2); and
 - (c) need not be separately identified from the fees imposed on registrations and renewals of registration under Section 73-18-7.

Amended by Chapter 189, 2011 General Session